

Date: October 27, 1997

Case No.: 95-ERA-36

In the Matter of:

WILLIE C. HODGES,
Complainant,

v.

RAYTHEON ENGINEERS &
CONSTRUCTORS, INC.,
Respondent.

RECOMMENDED ORDER OF DISMISSAL

Under cover letter dated October 9, 1997, the parties submitted a Notice of Voluntary Dismissal by Stipulation. Attached to the Notice of Voluntary Dismissal by Stipulation is a signed Settlement Agreement and General Release.

Since the request for dismissal is based upon an agreement entered into by the parties, it must be reviewed to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 42 U.S.C. §581(b)(2)(A) (1988).¹

Section 4 contains language which provides that the Complainant shall not disclose the amount of money paid to him in settlement of this offer to anyone except: “. . . to his accountant or financial advisor for legitimate tax reasons, to the Nuclear Regulatory commission (NRC) if the NRC makes inquiry in that regard, or if it is ordered to do so by a federal or state court judge.”²

¹Notwithstanding the Notice of Voluntary Dismissal by Stipulation, since the request is based upon a settlement agreement, Fed. R. Civ. P. 41(a)(1)(ii) does not apply.

²This condition does not appear to be violative of public policy, since it does not restrict or impinge upon Complainant from disclosure after appropriate legal process.

After reviewing the agreement, I find that it is a fair, adequate and reasonable settlement of the complaint. Accordingly, IT IS RECOMMENDED that the agreement be APPROVED and the COMPLAINT BE DISMISSED WITH PREJUDICE.

DANIEL A. SARNO, JR.
Administrative Law Judge

DAS/jbm
Newport News, Virginia

